

### REMARKS

Reconsideration of this application in view of the above amendments and following remarks is respectfully requested.

Claims 1, 5, 6, 8-10, 12, 13, 16, 19, 20, 45, 47, 48 and 50-58 are now pending. Claim 12 has been amended. Claims 14 and 15 have been canceled.

Claim 12 stands objected to as being of improper dependent form – that is, for not further limiting the claim (*i.e.*, claim 1) from which it depends. Applicants respectfully disagree.

Claim 1 is generally directed to the preparation of an overlapping sensitized area as illustrated, for example, in Figures 12A-E. Dependent claim 13 specifies the preparation of a matrix of overlapping sensitized areas as illustrated, for example, in Figures 13A-E. Dependent claim 12 is directed to the preparation of overlapping sensitized areas such as a one-dimensional array (as opposed to a two-dimensional matrix). With reference to Figure 13, this would, for example, be obtained by using a single first sensitizing fluid, such as 1310 (Figure 13A), to yield a sensitized streak 1311 (Figure 13B), and at least two second sensitizing fluids, such as 1360 and 1370 (Figure 13c), to yield at least two sensitized streaks 1391 and 1392 (Figure 13D), which overlap with streak 1311 at spots 1370 and 1371 (Figure 13E).

In order to clarify this difference in claim scope between claims 1 and 12, Applicants have amended claim 12 to recite that “the at least two second sensitizing fluids overlap with different parts of the sensing area sensitized by the first sensitizing fluid to yield at least two overlapping sensitized areas on the sensing surface.” Support for this amendment may be found throughout the specification as originally filed, and thus does not constitute addition of new matter. Since dependent claim 12 is of more specific scope than the claim from which it depends (*i.e.*, claim 1), it constitutes a proper dependent claim and Applicants respectfully request that this ground of objection be withdrawn.

Claims 14 and 15 stand objected to as substantially duplicative of claims 9 and 10. Applicants have canceled claims 14 and 15, thus obviating this ground of objection.

Claims 1 and 50 stand rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1 and 2 of U.S. Patent

No. 6,200,814 ("the '814 patent") in view of published PCT WO 96/35940 to Neuschafer ("Neuschafer").

Applicants have previously filed a Terminal Disclaimer with respect to the '814 patent, including the appropriate fee. The Examiner had contacted the undersigned and requested that the same be filed by facsimile, which papers were forwarded on February 16, 2005. A copy of the Terminal Disclaimer and accompanying papers are attached hereto for the Examiner's convenience.

All pending claims also stand provisionally rejected under the doctrine of obviousness-type double patenting as unpatentable over claims 1 and 10 of copending U.S. Application No. 10/184,024 ("the '024 application") in view of Neuschafer. Since the '024 application is still in prosecution (*i.e.*, a first Office Action has yet to issue), and the present application is near allowance, Applicants request that the pending claims be passed to issuance, and Applicants will address this ground of rejection during prosecution of the '024 application.

In view of the above amendments and remarks, allowance of claims 1, 5, 6, 8-10, 12, 13, 16, 19, 20, 45, 47, 48 and 50-58 is respectfully requested. A good faith effort has been made to place this application in condition for allowance. However, should any further issue require attention, the Examiner is requested to contact the undersigned at (206) 622-4900 to resolve the same.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC



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Karl R. Hermanns  
Registration No. 33,507

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Enclosure:

Copy of Terminal Disclaimer and Transmittals, filed February 16, 2005

Application No. 09/760,213  
Reply to Office Action dated March 3, 2005

701 Fifth Avenue, Suite 6300  
Seattle, Washington 98104-7092  
Phone: (206) 622-4900  
Fax: (206) 682-6031

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